IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24704 of 2003

Between:

A. Ramachandra Reddy, S/o. Ram Reddy, Working as Driver in APSRTC, Hayathnagar Depot, Ranga Reddy District.

..... PETITIONER

AND

1 The APSRTC, Rep. by its Vice-Chariman and Managing Director, Musheerabad, Hyderabad.
2 The Director, Vigilence and Security, APSRTC, Musheerabad, Hyderabad.
3 The Regional Manager, APSRTC, Hyderabad City Region, JBS, Picket, Secunderabad.
4 The Depot Manager, APSRTC, Hayathnagar Depot, Ranga Reddy District.
5 The Regional Transport Officer, East Zone, Government of A.P., Moosarambagh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the Proc. No. P1/114(03)2003-HYT, dt. 20.11.2003 issued by the 4th respondent and declare the same as illegal, arbitrary and violative of the principles of natural justice and further direct the respondents to continue the petitioner as Driver in Hayathnagar Depot.

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents : MR.V.T.M.PRASAD FOR R

MR.SMT.P.RAJANI REDDY (SC FOR APSRTC)

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the 4th respondent in issuing the proceedings dated 20.11.2003 is arbitrary, illegal and voilative of principles of natural justice.

The petitioner was placed under suspension under the impugned proceedings dated 20.11.2003 by the 4th respondent and a charge sheet was issued on the same day. The charges, which were framed against the petitioner reads as under:

> " For having concealed the fact of earlier appointment in APSRTC with staff No.109511 and removed from service on producing bogus driving licence No.140178 which constitutes misconduct under Reg.28(xxii) of APSRTC conduct Reg.1963 read with Reg.No.9(1)(e) of APSRTC Employees CC & A Regulations, 1967.
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> For having got appointed in APSRTC with staff No.251852 by producing bogus driving licence No.84/70331 dated 25.08.1984 obtained from Regional Transport Authority Aurangabad, which constitutes misconduct under Reg.28(ii) of APSRTC Employees Conduct Regulations, 1963."

The factual matrix is not in dispute.

The learned counsel for the petitioner contended that there is no column in the application prescribed by the respondent-Corporation with regard to the previous employment. So also the call letter do not indicate that the petitioner shall declare his previous employment. As per Regulation 28(ii) of the APSRTC Employees Conduct Regulations, 1963 (for short "the Regulations"), the employee is required to give full and correct information whenever called for by the superior authority and therefore, the impugned order of suspension suffers from legal infirmities and the same is liable to be set aside.

On the other hand, learned standing counsel for the respondent-Corporation vehemently contended that the petitioner is required to submit attestation form before he is being appointed as a temporary driver. In the attestation form there is a column with regard to the previous employment in the corporation and therefore, the petitioner is bound to disclose his previous employment in the Corporation. But, he

avoided producing the same with a view to suppress his earlier appointment in the Corporation and removal from service for producing a bogus driving licence. Therefore, the matter is required to be decided by conducting an enquiry.

Insofar as charge No.2 is concerned, if any demand is made by the superior officer, then only the employee is required to give full and correct information regarding his previous employment in the Corporation. Insofar as charge No.1, i.e., concealment of his antecedents is concerned, it relates to Regulation 9(1)(e) APSRTC Employees CC & A Regulations, 1967, and it is required to be decided by the enquiry officer on the material available on record.

The petitioner was placed under suspension as per the proceedings of the fourth respondent dated 20.11.2003. Those proceedings have been suspended by an interim order passed by this Court on 25.11.2003 and the petitioner is continuing in service. As the petitioner is continuing in service after the impugned order is suspended, it is not desirable to vacate the interim order at this point of time. But a direction can be given to the respondents to complete the enquiry in accordance with the Rules and Regulations of the Corporation, after giving a reasonable opportunity to the petitioner.

Therefore, the writ petition is disposed of with a direction to the respondent-Corporation to complete the enquiry within a period of three months from the date of receipt of a copy of this order and the petitioner shall not take any undue adjournment in the said enquiry and shall co-operate with the enquiry officer in conducting the enquiry. No costs.

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15.06.2005

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To

1 The Vice Chairman and Managing Director, APSRTC,
Musheerabad, Hyderabad.
2 The Director, Vigilence and Security, APSRTC, Musheerabad,

Hyderabad.
3 The Regional Manager, APSRTC, Hyderabad City Region, JBS, Picket, Secunderabad.
4 The Depot Manager, APSRTC, Hayathnagar Depot, Ranga Reddy District.
5 The Regional Transport Officer, East Zone, Government of A.P., Moosarambagh, Hyderabad.

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